

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alexander Spiegler on October 13, 2008.

In the claims:

1. (Currently amended) A method for reducing the risk of bacterial infection or sepsis in a person colonized with pathogenic bacteria comprising treating the colonized person with a pharmaceutical composition containing bacteriophage of one or more strains which produce lytic infections in said pathogenic bacteria, wherein said treatment occurs prior to said colonized person developing an illness due to said pathogenic bacteria and said treatment reduces the risk of bacterial infection or sepsis in said colonized person, and wherein said treatment of the colonized person reduces the level of colonization with pathogenic bacteria susceptible to the bacteriophage by at least one log, wherein said composition is administered intravesicularly, ~~intrathecally~~, topically, orally, rectally, ocularly, otically, nasally, or via inhalation.

13. (Currently amended) A method for reducing the incidence of infection by selected pathogenic bacteria in a medical facility comprising administering to patients admitted to the medical facility a bacteriophage preparation which reduces the colonization level by the selected pathogenic bacteria in patients at risk for infection by the selected pathogenic bacteria, wherein said colonization level is reduced by at least one log, wherein said bacteriophage preparation is administered intravesiculadly, ~~intrathecally~~, topically, orally, rectally, ocularly, otically, nasally, or via inhalation.

32. (Currently amended) A method for reducing the level of colonization in a patient comprising treating the patient with a composition containing bacteriophage of one or more strains which produce lytic infections in pathogenic bacteria, wherein said patient is colonized with the pathogenic bacteria subject to infection by said bacteriophage, and wherein said treatment of the patient reduces the level of colonization with pathogenic

bacteria susceptible to the bacteriophage by at least one log, wherein said composition is administered intravesicularly, ~~intrathecally~~, topically, orally, rectally, ocularly, otically, nasally, or via inhalation.

REASONS FOR ALLOWANCE

The closest prior art is US 6,056,954, however, it teaches the use of lytic enzymes instead of bacteriophages. Bacteriophages and lytic enzymes kill bacteria in a significantly different manner. Furthermore, the patent teaches away from using bacteriophages in column 2, lines 1-4. Other prior art teaches treating infections with bacteriophages, but not reducing colonization of bacteria by one log, or by applying bacteriophages prior to infection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELE K. JOIKE whose telephone number is (571)272-5915. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Weitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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